

111TH CONGRESS
2^D SESSION

H. R. 5842

To deem any adjournment of the House of Representatives which is in effect on the date of the regularly scheduled general election for Federal office held during a Congress to be adjournment sine die, and to amend title 31, United States Code, to provide for automatic continuing appropriations if a regular appropriation bill for a fiscal year does not become law before the date of the regularly scheduled general election for Federal office held during such fiscal year.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2010

Ms. JENKINS introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To deem any adjournment of the House of Representatives which is in effect on the date of the regularly scheduled general election for Federal office held during a Congress to be adjournment sine die, and to amend title 31, United States Code, to provide for automatic continuing appropriations if a regular appropriation bill for a fiscal year does not become law before the date of the regularly scheduled general election for Federal office held during such fiscal year.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End the Lame Duck
5 Act”.

6 **SEC. 2. MANDATORY SINE DIE ADJOURNMENT AFTER GEN-**
7 **ERAL ELECTION DATE.**

8 (a) MANDATORY SINE DIE ADJOURNMENT.—Except
9 as provided in subsection (b), if the House of Representa-
10 tives stands adjourned on the date of the regularly sched-
11 uled general election for Federal office during a Congress
12 (beginning with the One Hundred Tenth Congress) pursu-
13 ant to a concurrent resolution providing for the adjourn-
14 ment of the House, the House shall be considered to be
15 adjourned sine die.

16 (b) PERMITTING REASSEMBLY IN CASE OF NA-
17 TIONAL EMERGENCY.—After the date described in sub-
18 section (a), the Speaker of the House of Representatives
19 and the Majority Leader of the Senate, or their respective
20 designees, acting jointly after consultation with the Minor-
21 ity Leader of the House and the Minority Leader of the
22 Senate, may notify the Members of the House and Senate,
23 respectively, to reassemble if they determine that the exist-
24 ence of a national emergency warrants it.

1 **SEC. 3. AUTOMATIC CONTINUING APPROPRIATIONS.**

2 (a) IN GENERAL.—Chapter 13 of title 31, United
3 States Code, is amended by inserting after section 1310
4 the following new section:

5 **“§ 1311. Continuing appropriations**

6 “(a)(1) If any regular appropriation bill for a fiscal
7 year does not become law before the date of the regularly
8 scheduled general election for Federal office held during
9 such fiscal year or a joint resolution making continuing
10 appropriations is not in effect, there are appropriated, out
11 of any money in the Treasury not otherwise appropriated,
12 and out of applicable corporate or other revenues, receipts,
13 and funds, such sums as may be necessary to continue
14 any project or activity for which funds were provided in
15 the preceding fiscal year—

16 “(A) in the corresponding regular appropriation
17 Act for such preceding fiscal year; or

18 “(B) if the corresponding regular appropriation
19 bill for such preceding fiscal year did not become
20 law, then in a joint resolution making continuing ap-
21 propriations for such preceding fiscal year.

22 “(2) Appropriations and funds made available, and
23 authority granted, for a project or activity for any fiscal
24 year pursuant to this section shall be at a rate of oper-
25 ations not in excess of the lower of—

1 “(A) the rate of operations provided for in the
2 regular appropriation Act providing for such project
3 or activity for the preceding fiscal year;

4 “(B) in the absence of such an Act, the rate of
5 operations provided for such project or activity pur-
6 suant to a joint resolution making continuing appro-
7 priations for such preceding fiscal year;

8 “(C) the rate of operations provided for in the
9 regular appropriation bill as passed by the House of
10 Representatives or the Senate for the fiscal year in
11 question, except that the lower of these two versions
12 shall be ignored for any project or activity for which
13 there is a budget request if no funding is provided
14 for that project or activity in either version; or

15 “(D) the annualized rate of operations provided
16 for in the most recently enacted joint resolution
17 making continuing appropriations for part of that
18 fiscal year or any funding levels established under
19 the provisions of this Act.

20 “(3) Appropriations and funds made available, and
21 authority granted, for any fiscal year pursuant to this sec-
22 tion for a project or activity shall be available for the pe-
23 riod beginning with the first day of a lapse in appropria-
24 tions and ending with the earlier of—

1 “(A) the date on which the applicable regular
2 appropriation bill for such fiscal year becomes law
3 (whether or not such law provides for such project
4 or activity) or a continuing resolution making appro-
5 priations becomes law, as the case may be; or

6 “(B) the last day of such fiscal year.

7 “(b) An appropriation or funds made available, or au-
8 thority granted, for a project or activity for any fiscal year
9 pursuant to this section shall be subject to the terms and
10 conditions imposed with respect to the appropriation made
11 or funds made available for the preceding fiscal year, or
12 authority granted for such project or activity under cur-
13 rent law.

14 “(c) Appropriations and funds made available, and
15 authority granted, for any project or activity for any fiscal
16 year pursuant to this section shall cover all obligations or
17 expenditures incurred for such project or activity during
18 the portion of such fiscal year for which this section ap-
19 plies to such project or activity.

20 “(d) Expenditures made for a project or activity for
21 any fiscal year pursuant to this section shall be charged
22 to the applicable appropriation, fund, or authorization
23 whenever a regular appropriation bill or a joint resolution
24 making continuing appropriations until the end of a fiscal

1 year providing for such project or activity for such period
2 becomes law.

3 “(e) This section shall not apply to a project or activ-
4 ity during a fiscal year if any other provision of law (other
5 than an authorization of appropriations)—

6 “(1) makes an appropriation, makes funds
7 available, or grants authority for such project or ac-
8 tivity to continue for such period; or

9 “(2) specifically provides that no appropriation
10 shall be made, no funds shall be made available, or
11 no authority shall be granted for such project or ac-
12 tivity to continue for such period.

13 “(f) For purposes of this section, the term ‘regular
14 appropriation bill’ means any annual appropriation bill
15 making appropriations, otherwise making funds available,
16 or granting authority, for any of the following categories
17 of projects and activities:

18 “(1) Agriculture, Rural Development, Food and
19 Drug Administration, and Related Agencies.

20 “(2) Commerce, Justice, Science, and Related
21 Agencies.

22 “(3) Department of Defense.

23 “(4) Energy and Water Development and Re-
24 lated Agencies.

1 “(5) Financial Services and General Govern-
2 ment.

3 “(6) Department of Homeland Security.

4 “(7) Department of the Interior, Environment,
5 and Related Agencies.

6 “(8) Departments of Labor, Health and
7 Human Services, Education, and Related Agencies.

8 “(9) Legislative Branch.

9 “(10) Military Construction and Veterans’ Af-
10 fairs.

11 “(11) Department of State, Foreign Oper-
12 ations, and Related Programs.

13 “(12) Transportation, Housing and Urban De-
14 velopment, and Related Agencies.”.

15 (b) CLERICAL AMENDMENT.—The analysis of chap-
16 ter 13 of title 31, United States Code, is amended by in-
17 serting after the item relating to section 1310 the fol-
18 lowing new item:

 “1311. Continuing Appropriations.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to fiscal years beginning after Sep-
21 tember 30, 2010.

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